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S M I T H | V I L L A Z O R

October 25, 2021

VIA ECF

The Honorable Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Michael Mendlowitz*, S2 17-cr-0248 (VSB)

Dear Judge Broderick:

We represent the defendant Michael Mendlowitz. Mr. Mendlowitz respectfully requests that the Court extend the date for him to surrender to serve his sentence to December 16, 2021. His current surrender date is November 4, 2021. (*See* ECF No. 317.) The reasons for Mr. Mendlowitz's request are as follows.

Mr. Mendlowitz recently retained appellate counsel (Alexandra Shapiro of Shapiro Arato Bach LLP) and seeks the extension to allow sufficient time to meet with her to discuss his appeal. In addition, Mr. Mendlowitz's 95-year-old grandmother was recently diagnosed with COVID-19. As she unfortunately may not survive the period of Mr. Mendlowitz's incarceration, Mr. Mendlowitz wishes to visit her before surrendering. However, if he has contact with her within fourteen days before surrendering, we understand that he would be subject to a quarantine protocol when he surrenders.

Mr. Mendlowitz does not intend to seek bail pending appeal in the Second Circuit and there will be no further requests to this Court to extend his surrender deadline.

The government, through AUSA David Abramowicz, opposes Mr. Mendlowitz's request.

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We are available should the Court have any questions.

Respectfully submitted,

/s/ Patrick J. Smith

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cc: All Counsel of Record (via ECF)